

## Parts A and B of the Proposed Section 10-40.60.175

### HOW TO READ THIS DOCUMENT

Unless otherwise stated, provisions that are being deleted are shown in bold red strikethrough text, like this: ~~Provisions that are being deleted are shown with a bold red strikethroughs text.~~

Provisions that are being added are shown in bold blue text, like this: **Provisions that are being added are shown in bold blue text.**

#### **10-40.60.175 High Occupancy Housing Developments and Mixed-Use High Occupancy Housing Developments.**

- A. Additional Conditional Use Permit Criteria. In addition to the criteria of Section 10-20.40.050.E., in order to approve a Conditional Use Permit for a High Occupancy Housing Development, or Mixed-Use High Occupancy Housing Development, the Planning and Zoning Commission, and when applicable the City Council, shall find that the following have been met:**
- 1. The property owner has submitted plans that demonstrates how the development may be converted from a High Occupancy Housing Development (HOHD), or Mixed-Use High Occupancy Housing Development (MHOHD), to a development that is no-longer a HOHD or MHOHD, as defined in the Zoning Code, without substantial structural or substantial plumbing modifications. The required plans shall be designed and sealed by an Arizona Registrant.**
  - 2. The development is located within a pedestrian shed of an activity center delineated in the General Plan.**
  - 3. A HOHD or MHOHD containing more than 50 dwelling units per acre, or 125 bedrooms per acre, is located on a lot or parcel in an activity center with a regional scale pedestrian shed delineated in the General Plan.**
  - 4. A HOHD containing more than 29 dwelling units per acre, or 72.5 bedrooms per acre, is located on a lot or parcel:**
    - a. in an activity center with a regional scale pedestrian shed delineated in the General Plan.**
    - b. that is located a distance of least 300 feet from the center line of a street classified as a commercial corridor identified on the General Plan's Road Network Illustration Map; and**
    - c. that is separate from a street classified as commercial corridor identified on the General Plan's Road Network Illustration Map by an existing non-residential or mixed-use development.**
  - 5. The Development Site is connected to a permanent transit stop by a continuously improved pedestrian sidewalk or improved trail that does not exceed more than 1,320 feet. The distance shall be measured from the Development Site to the transit stop following a continuous sidewalk and/or public trail.**
  - 6. Design Compatibility of a Development Site with the Landmarks Overlay (LO), or Another Adopted Historic Overlay Zone. The Heritage Preservation Commission has approved a Certification of No Effect, or a Certification of Appropriateness, for the design of the proposed HOHD or MHOHD.**
  - 7. Design Compatibility with Other Historic Cultural Resources.**

- a. The criteria of subsections A.7.b. and A.7.c. of this section shall apply to a Development Site that conforms with any of the following:
    - i. The Development Site is in a historic district that is listed on the National Register of Historic Places, but does not have a historic overlay zone;
    - ii. The Development Site is on the same block, or is on the opposite side of the street of a block face that contains a lot, parcel, or structure listed on the National Register of Historic Places, or
    - iii. The Development Site is on the opposite side of the street of the block face that contains a lot, parcel, or structure that is zoned with a Landmarks Overlay (LO), or another adopted historic overlay zone.
  - b. The Heritage Preservation Commission or the City Historic Preservation Officer has made a determination that the proposed HOHD or MHOHD has no adverse effect, an adverse effect, or has appropriately mitigated its effects on the historic cultural resource; and
  - c. The Planning and Zoning Commission has made a determination that the proposed design of the development substantially conforms with Section 10-30.60.050 Development Compatibility.
8. Design Compatibility of All Other Development Sites that do not Conform with Subsections A.6. and A.7. of this Section. The design of the development substantially conforms with Section 10-30.60.050 Development Compatibility. Subsections A.8. is not applicable to Development Sites that are required to conform with Subsections A.6. and A.7. of this Section.
  9. The property owner has agreed to Conditions of Approval to maintain compliance with the Flagstaff Police Department's Crime Free Multi-housing program, at all times.
- B. Heritage Preservation Commission (HPC) and the City Historic Preservation Officer (HPO) Determinations.**
1. Development Sites with the Landmarks Overlay (LO), or Another Adopted Historic Overlay Zone. The provisions of Division 10-30.30: Heritage Preservation shall apply.
  2. Other Historic Cultural Resources Described in Subsection A.6.a. of this Section. The HPO shall evaluate the proposed HOHD or MHOHD and make a determination as whether it has no adverse effect, an adverse effect, or has appropriately mitigated its effects on the historic cultural resource. The HPO may defer a determination to the HPC. The HPO, and when applicable the HPC, shall evaluate the proposed HOHD or MHOHD utilizing the applicable criteria of the:
    - a. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings;
    - b. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;
    - c. Protection of Historic Properties provisions of the U.S. Code of Federal Regulations, 36 CFR § 800.3 through 36 CFR § 800.7, as amended; and/or
    - d. The applicable U.S. Department of the Interior publications and Preservation Briefs.